HON'BLE MS JUSTICE G. ROHINI

W.P.NO. 11784 OF 1999

DATED: 11.10.2007

Between:

Yerra Masaiah and others

… Petitioners

and

State of A.P., represented by its Secretary,
Revenue Department and others

…
Respondents

HON'BLE MS JUSTICE G. ROHINI

W.P.NO.11784 OF 1999

ORAL ORDER:

The petitioners claim to be in possession and enjoyment of different extents of land situated in Sy.Nos. 8 and 11/1 of Badepally Village, Jadcherla Mandal, Mahabubnagar District having been granted pattas long back in respect of the same.

This writ petition is filed aggrieved by the action of the respondents in issuing notices dated 4.2.1999 calling upon the petitioners to vacate the land in their occupation within 7 days, on the ground that the said land was required for public purpose.

In the counter affidavit filed on behalf of the respondents, the fact that the petitioners were assigned Government lands has not been disputed. However, it is stated that the land in question is required for a public purpose and, therefore, it is decided by the respondents to resume the same.

Heard the learned counsel for both the parties.

In view of the ratio laid down by the Larger Bench of this

court in ***LAO-cum-RDO, Chevella Division, Domalguda, Hyd., v. M. Pandu***[1], it is clear that even where assigned lands are acquired for a public purpose, the assignees are entitled for compensation based on market value along with other benefits on par with full owners.

In the circumstances, even assuming that the land is required for a public purpose, the respondents are bound to pay the compensation in accordance with law.

Accordingly, the writ petition is disposed of directing the respondents not to dispossess the petitioners, without following the due process of law, as laid down by the larger bench in the decision cited above. No costs.

G. ROHINI, J

Date: 11.10.2007
cvm

[1] . 2004 (2) ALD 451 (LB)